

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 Synopsys, Inc.,

NO. C 03-02289 JW
NO. C 03-04669 JW

11 Plaintiff,
v.

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

12 Ricoh Company, Ltd.,

13 Defendant

15 Ricoh Company, Ltd.,

16 Third-Party Plaintiff,
v.

17 Aeroflex Inc., et al.,

18 Third-Party Defendants.

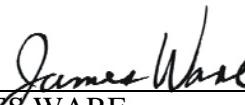
19 /
20 On April 7, 2008, the Court conducted a case management conference. Counsel for the
21 respective parties were present. At the case management conference, the parties represented that
22 U.S. Patent No. 4,922,432 (the “‘432 Patent”), the key patent at issue in these related cases, remains
23 in reexamination at the United States Patent and Trademark Office (“PTO”). According to the
24 parties, a second, but non-final, office action issued by the examiner has canceled all of the ‘432
25 Patent’s claims. However, given the age of these cases, and the fact that they were recently
26 reassigned, the Court has determined that there is significant work that may be accomplished despite
27 the pending reexamination. Therefore, the Court VACATES the order staying these related cases
28 and ORDERS as follows:

United States District Court

For the Northern District of California

- 1 (1) The parties shall file cross-motions regarding: (a) whether the Court should adopt the
2 claim construction reached by the previously assigned district judge; (b) whether the
3 Court should reconsider any part of that construction; and (c) whether there are any
4 words or phrases that remain to be construed. In light of the parties' representation
5 that the final office action should be issued by the PTO within the next four to six
6 months, the Court sets a hearing on the parties' cross-motions for **September 26,**
7 **2008 at 9 a.m.** The parties shall notice their cross-motions in accordance with the
8 Civil Local Rules of Court.
- 9 (2) Following the hearing on the cross-motions, the Court will hold a further Case
10 Management Conference to discuss a schedule for the case. The parties shall file a
11 Joint Case Management Statement updating the Court on the status of the
12 reexamination on or before **September 16, 2008.**
- 13 (3) Based on the discussion with the parties, the Court finds that these related cases
14 should be consolidated into one action. Since Case No. 03-2289 JW is the earlier
15 filed action, it shall be the lead case. All future filings shall be filed in Case No. 03-
16 2289, and to avoid confusion, shall bear the caption: *In Re Ricoh Company Ltd.*
17 *Patent Litigation.* In light of the consolidation, the Clerk shall administratively close
18 Case No. 03-4669 JW.

19
20 Dated: April 16, 2008

21 

JAMES WARE
United States District Judge

United States District Court

For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Brian A. E. Smith smithbrian@howrey.com
3 Christopher L. Kelley kelleyc@howrey.com
3 DeAnna Dahlyce Allen allend@dsmo.com
3 Denise M. De Mory demoryd@howrey.com
4 Eric Oliver OLIVERE@DSMO.COM
5 Erik Keith Moller invalidaddress@myrealbox.com
5 Ethan B. Andelman andelmane@howrey.com
6 Gary M. Hoffman HoffmanG@ dicksteinshapiro.com
6 Henry C. Suh suh@howrey.com
7 Jaclyn C. Fink finkj@howrey.com
7 Jeffrey B. Demain jdemain@altshulerberzon.com
8 Jonathan David Weissglass jweissglass@altshulerberzon.com
8 Kenneth W. Brothers BrothersK@ dicksteinshapiro.com
9 Matthew Greinert greinertm@howrey.com
9 Matthew E. Hocker hockerm@howrey.com
10 Michael A. Weinstein weinsteinm@ dicksteinshapiro.com
10 Teresa M. Corbin corbint@howrey.com
10 Thomas C. Mavrakakis tmavrakakis@mac.com

11

12 **Dated: April 16, 2008**

Richard W. Wieking, Clerk

13

14 By: /s/ JW Chambers
15 Elizabeth Garcia
15 Courtroom Deputy

16
17
18
19
20
21
22
23
24
25
26
27
28